

Remarks

This Paper is submitted in response to the Office Action dated April 19, 2007 with a shortened statutory response period ending on July 19, 2007. This Paper is filed within the shortened statutory response period. The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 23-2053, with reference to Attorney Docket No. 06834-0355.

Claims 1-20 are pending in this application. New claims 13-20 have been added.

Claims 1-12 were rejected under 35 U.S.C. §103(a) for allegedly being obvious over U.S. Patent No. 5,432,244 to Rebhan (*Rebhan*). Claims 1-12 were rejected under 35 U.S.C. §103(a) for allegedly being obvious over U.S. Patent No. 5,414,063 to Seeger et al. (*Seeger*). Applicants respectfully traverse and disagree with these rejections for the reasons set forth below.

Rebhan fails to disclose or suggest a catalyst composition having a selectivity control agent (SCA) that is a mixture of at least two components wherein one of the components is dicyclopentyldimethoxysilane as recited in independent claims 1 and 6. *Rebhan* discloses a catalyst system that includes a selectivity control agent (SCA) which is a mixture of a silicon compound and a mono- or di- carboxylic acid ester. *Rebhan*, col. 1 line 56 through col. 2 line 2. *Rebhan*, however, has no disclosure whatsoever that the silicon composition of the SCA is dicyclopentyldimethoxysilane. See *Rebhan*, col. 4 lines 50-56.

Moreover, the presence of dicyclopentyldimethoxysilane in the claimed catalyst composition yields unexpected results. For example, Table 1 (page 15) of the present application clearly illustrates the increased catalyst activity provided by dicyclopentyldimethoxysilane when compared to catalyst compositions containing another alkoxysilane such as methylcyclohexyldimethoxysilane. The catalyst activity (Y_4 value) for the dicyclopentyldimethoxysilane catalyst is 17-68% greater than the catalyst activity for the methylcyclohexyldimethoxysilane catalyst. See present application, Table 1, at page 15. In view of *Rebhan's* silence regarding dicyclopentyldimethoxysilane and the unexpected results obtained by catalyst compositions containing dicyclopentyldimethoxysilane, Applicants respectfully submit that the present claims are novel and nonobvious in view of *Rebhan*.

Seeger teaches away from a catalyst composition that contains an SCA mixture of i) an ester of an aromatic carboxylic acid, and ii) dicyclopentylmethoxysilane as recited in the present claims. *Seeger* discloses a polymerization process whereby a catalyst system drives production of polypropylene in a reactor and an external strong electron donor, not part of the catalyst system, is added to the reactor to kill the polymerization reaction. *Seeger's* external strong electron donor corresponds to the first component of the recited SCA mixture, namely the ester of an aromatic carboxylic acid (*i.e.*, ethyl p-ethoxybenzoate). *Seeger*, col. 3 lines 1-49. Notably, *Seeger* is clear that the external strong electron donor is not part of the catalyst system.

The term external strong electron donor, when used herein, means that the strong electron donor is **not part of the catalyst system** but plays an important role in shutting down the reaction mechanism.

Seeger, col. 7 lines 51-54 (emphasis added). As *Seeger* explicitly states that the external strong electron donor is not part of the catalyst system, *Seeger* teaches away from the claimed catalyst composition having an SCA mixture which includes an ester of an aromatic carboxylic acid. Teaching away is a *per se* demonstration of non-obviousness. *In re Dow Chemical Co.*, 837 F.2d 469 (Fed. Cir. 1988).

The Examiner is respectfully requested to reconsider the application in view of this Response, to withdraw the rejections, and to forward the application to issuance.

Respectfully submitted,



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